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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/782,424

02/18/2004

Daniel Thomas Torongo

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6732

57444

7590

06/26/2006

AUTOMOTIVE COMPONENTS HOLDINGS LLC
C/O MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA, FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604-1853

EXAMINER

CULBRETH, ERIC D

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/782,424	TORONGO, DANIEL THOMAS	
	Examiner	Art Unit	
	Eric Culbreth	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,6 and 8-10 is/are allowed.
- 6) ☒ Claim(s) 1,4,7 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/18/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings filed 4/13/05 are objected to because the stop 14 in Figure 3 looks different from the stop in Figures 2 and 6-8. The stop in Figure 3 has three slots at what appear to be approximately 60 degree angles, while the stop in Figures 2 and 6-8 have only two slots diametrically opposed to each other. The figures should be consistent. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because it is an incomplete sentence (i.e., in line 3 of the abstract, "has" should be "having" and in line 4, "define" should be "defining"). Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7 and 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 7 is indefinite because it confuses the statutory class of invention. Claim 7 recites the invention as a mechanical stop but depends from claim 6, which recited the invention as a method. Since a dependent claim includes all the limitations of the claims it depends from, then the article claim of claim 7 would include the method steps of claim 6, confusing whether the invention is a method or an article.

b. Also in claim 7, line 1 there is no clear antecedent basis for "said flange", as claim 6 recited a plurality of flanges (distal ends of the projections including a flange; it is not clear which flange is meant in claim 7, line 1). In fact, claim 7, lines 1-2 are not accurate in reciting said flange extending axially from the distal ends (one flange does not extend from a plurality of ends). The examiner suggests in claim 7, line 1 changing

"flange extends" to "flanges extend" and in claim 7, lines 2-3 changing "flange extends" to "flanges extend".

c. Claim 11, lines 4-6 are not completely accurate (the mechanical stop only prevents movement of the bushing axially along one direction).

d. Similar to claim 7 above, in claim 13 line 1 and claim 13, lines 2-3 "flange extends" should be "flanges extend".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Schwab US006705813B2.

Schwab discloses a mechanical stop 24 comprising a single piece conically shaped in Figure 4 with a plurality of inwardly extending projections at 28 each with a distal end contoured to match an outer surface of a bar at 102 in Figure 8. The distal ends define an opening. Comparing Figures 16 – 18, the conically shaped body can be plastically deformed to a flat shape. The opening formed by the distal ends would have

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a smaller diameter when it is flat, as is flattened just like applicant's invention. The recitations in claim 1 that the stop is adapted to be mounted on a rigid bar and frictionally engage the outer surface of the bar are functional statements of intended use, failing to patentably define distinguishing structural characteristics, as the preamble of the claim defines the invention as a mechanical stop (reciting the stop as "adapted to be mounted onto a rigid bar" does not include the combination of the stop and bar). Regarding claim 4, as functionally recited the distal ends engage a round bar (at any rate, since the invention only includes the stop structurally, just stop 24 meets this limitation). Similarly, since the invention as recited in the preamble only includes the stop, and the relationship to the bar is functional intended use, the stop could be applied to some bar that has a diameter that is smaller than the bar's diameter and hence frictionally engage it. In Figures 16 and 17, the diameter of the opening before the stop is flattened is larger than the bar 132.

Allowable Subject Matter

7. Claims 5-6 and 8-10 are allowed.
8. Claims 2-3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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9. Claim 11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

10. Claims 7 and 12-13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ando US Patent 5,056,975 shows a washer that is conically shaped and flattens.

Retzbach US006470553B1 and US006631543B2 show washers that frictionally engage.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is 571/272-6668. The examiner can normally be reached on Monday-Thursday, 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571/272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric Culbreth
Primary Examiner
Art Unit 3616



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